IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.2588 of 2005

M/s Rumao Construction . Petitioners

vs

Regional Labour Commissioner
(Central) and ors ..Respondents

Mr A.S.Khandeparkar for petitioners

CORAM:F.I.REBELLO & Smt R.S.DALVI JJ.

Dated 2l.ll.2005

P.C:

. Respondents, though served have failed to put in appearance. Rule.

l. The grievance of the petitioners that though they have paid wages and produced vouchers the respondents by the impugned order dated 30.ll.2004 has allowed the application by the Labour Enforcement Officer directing the Konkan Railway Corporation to deposit the sum notified in the order. It is submitted that the respondents have given no finding as to whether the vouchers produced by the petitioners are genuine or not proved. In these circumstances the impugned order is liable to be set aside.

2. We have heard the learned counsel for the petitioners. The respondents though served failed to put in appearance. In para 3 of the order it is clear that the petitioners herein have produced vouchers indicating payment of wages. Though same has been taken on record there is no finding given by the respondent as to whether the said documents are accepted or rejected. The respondents without recording such finding have directed deposit . The respondents being quasi judicial authority, before passing such an order ought to have recorded a finding on the evidence produced by the petitioners. There is no such finding. In the light of that the impugned order dated 30.ll.2004 is liable to be set aside. The matter is remanded back to the respondents, after hearing the parties, to pass fresh order in accordance with law and considering what has been set out in this order. In the event the application as filed by the Labour Enforcement Officer is dismissed the amount deposited be refunded to the Konkan Railway Corporation.

. Rule is made absolute with no order as to costs.